

Senator Finlay moved to refer the whole matter to Judiciary Committee No. 1. Carried.

On motion of Senator Fountain the Secretary of the Senate was granted leave of absence for to-morrow.

On motion of Senator Ruby, the Senate adjourned to 9 o'clock A. M. to-morrow.

SENATE CHAMBER,
AUSTIN, TEXAS, May 17, 1873. }

Senate met pursuant to adjournment. Roll called; quorum present. Prayer by the chaplain.

On motion of Senator Avinger, the reading of the journal of yesterday was dispensed with.

Senator Word introduced a bill to be entitled "An act prescribing the times of holding the district courts in Kaufman and Rockwall counties, in the Tenth Judicial District."

The bill was read first time; rules suspended, read second time and ordered engrossed; rules further suspended, read third time and passed.

Senator Shelley offered the following resolution, which was adopted:

Resolved, That on Monday next, and from day to day thereafter, the Senate will hold a session at 7:30 P. M. of each session day, at which session bills of local and private nature shall alone be considered.

Senator Shelley moved that all bills incorporating institutions of learning lie on the table, without being referred to committees. Carried.

The following bills were taken from the President's desk, read first time, and referred to the committees indicated:

House bill No. 906, "An act to incorporate the Brazos Santiago and Rio Grande Canal Company." Referred to Committee on Internal Improvements.

House bill No. 902, "An act to amend section one of an act entitled an act to amend the thirty-fourth and thirty-sixth sections of an act entitled an act prescribing the times of holding the district courts in the several judicial districts in the State, approved August 10, 1870, approved February 6, 1871." Referred to Judiciary Committee No. 2.

House bill No. 892, "An act to incorporate the town of McKinney, Collin county." Referred to Committee on State Affairs.

House bill No. 881, "An act for the relief of the heirs of Migginson Loving, deceased." Referred to Committee on Private Land Claims.

House bill No. 809, "An act providing for the condemnation and sale of lands for delinquent taxes." Referred to Judiciary Committee No. 1.

House bill No. 599, "An act to incorporate the Corpus Christi and Rio Grande Railway Company, and to aid in the construction of the same." Referred to Committee on Internal Improvements.

House bill No. 503, "An act supplemental to an act entitled an act to incorporate the Pacific and Great Eastern Railway Company, approved thirteenth of August, 1870." Referred to Committee on Internal Improvements.

House bill No. 700, "An act granting land to the Buffalo Bayou Ship Channel Company, in aid of the improvement of the navigation from Bolivar Channel, near the Gulf of Mexico, to the city of Houston." Referred to Committee on Internal Improvements.

House bill No. 638, "An act to incorporate the Fort Worth, Cleburne and Waco Railway Company, and granting lands in aid of the construction of said railway." Referred to Committee on Internal Improvements.

House bill No. 410, "An act to amend an act entitled an act to incorporate the Magnolia Grove Association, approved June 20, 1870." Referred to Committee on State Affairs.

House bill No. 603, "An act to incorporate the town of Honey Grove, in the county of Fannin." Referred to Committee on State Affairs.

House bill No. 904, "An act to amend section eight of an act to incorporate the town of Seguin, in Guadalupe county." Referred to Committee on State Affairs.

Senator Henry, chairman of Judiciary Committee No. 1, submitted the following reports:

Hon. E. B. Pickett, President of the Senate:

SIR: Your Committee on Judiciary No. 1, to whom was referred Senate bill No. 317, entitled "An act to incorporate the Texas Detective Police Agency, have had the matter under consideration. It is proposed by this

bill to incorporate E. P. Claudon and such persons as he may choose to associate with him, without regard to numbers, as a body corporate, each member of the incorporation to be invested with all the authority now conferred by law upon peace officers in this State, and it is made a misdemeanor to resist any of these irresponsible persons when in the discharge of what they may conceive to be their duty. The act proposes, in fact, to establish a secret police system having no responsible head, whose chief business will be to carry on a system of espionage upon the citizens of this State. Believing such a system to be fraught with danger, and contrary to the principles of republican institutions, your committee instruct me to report the bill back with the recommendation that it be indefinitely postponed.

JOHN L. HENRY, Chairman.

Hon. E. B. Pickett, President of the Senate:

SIR: Your Committee on Judiciary No. 1, to whom was referred Senate bill No. 182, entitled "An act making an appropriation to pay certain unpaid contingent expenses of the Twelfth Legislature," instruct me to report the same back and recommend the passage of the accompanying bill as a substitute therefor.

JOHN L. HENRY, Chairman.

On motion of Senator Franks, the rules were suspended to consider the report just read. The bill was read a second time, and the substitute recommended by the committee adopted.

Hon. E. B. Pickett, President of the Senate:

SIR: Your Judiciary Committee No. 1, to whom was referred Senate bill No. 354, entitled "An act granting ferry privileges to the city of Brownsville for a river front on the Rio Grande," instruct me to report it back and recommend its passage.

JOHN L. HENRY, Chairman.

Hon. E. B. Pickett, President of the Senate:

SIR: Your Judiciary Committee No. 1, to whom was referred House bill No. 820, entitled "An act to regulate sales of property made under decrees of courts and executions," having carefully examined the same, ask leave to report the same back and recommend its passage with the accompanying amendments.

JOHN L. HENRY, Chairman.

Amend section one by striking out all after the word

"but," in line seven, down to the word "the," after the word "or," in line eight, and inserting the word "if" instead.

Same section, amend by striking out all after the word "ownership," in line nine, down to and including the word "lots," in line eleven.

Amend by striking out "section three" and changing the number of the following section to section three.

Senator Henry then offered the following amendment, viz.: Insert after the word "genuine," in line eleven of first section, the words "and not in violation of any provision of the Constitution." Adopted.

The bill as amended was then ordered engrossed; rules suspended, read third time, and, on motion of Senator Shelley, the further consideration of the bill was postponed to 4 o'clock P. M.

Senator Cole, chairman of the Committee on Private Land Claims, submitted the following reports:

Hon. E. B. Pickett, President of the Senate:

SIR: Your Committee on Private Land Claims, to whom was referred Senate bill No. 323, "An act for the relief of James R. Pace," having had the same under consideration, instruct me to report it back with the recommendation that it do pass.

D. W. COLE, Chairman.

Hon. E. B. Pickett, President of the Senate:

SIR: Your Committee on Private Land Claims, to whom was referred House bill No. 288, "An act for the relief of the heirs or assignees of E. S. Williams, deceased," having considered the same, instruct me to report it back and recommend its passage.

D. W. COLE, Chairman.

Hon. E. B. Pickett, President of the Senate:

SIR: Your Committee on Private Land Claims, to whom was referred Senate bill No. 55, "An act for the relief of Jesse M. Hooker, assignee of Juan Daningaud," having considered the same, instruct me to report it back and recommend its passage.

D. W. COLE, Chairman.

Hon. E. B. Pickett, President of the Senate:

SIR: Your Committee on Private Land Claims, to whom was referred House bill No. 470, "An act to compensate Aaron S. Mangum for services rendered as a soldier in the army of the Republic of Texas," having

carefully considered the same, instruct me to report it back with the recommendation that it do pass.

D. W. COLE, Chairman.

Hon. E. B. Pickett, President of the Senate:

SIR: Your Committee on Private Land Claims, to whom was referred House bill No. 865, "An act to validate bounty land warrant No. —, issued to the heirs of Thomas Jackson," having considered the same, instruct me to report it back, and recommend its passage.

D. W. COLE, Chairman.

Hon. E. B. Pickett, President of the Senate:

SIR: Your Committee on Private Land Claims, to whom was referred House bill No. 885, "An act for the relief of E. A. Merchant, his heirs or assigns," having considered the same, instruct me to report it back and to recommend its passage.

D. W. COLE, Chairman.

Hon. E. B. Pickett, President of the Senate:

SIR: Your Committee on Private Land Claims, to whom was referred House bill No. 386, "An act to validate a certain land certificate therein named," having considered the same, instruct me to report it back and recommend its passage.

D. W. COLE, Chairman.

On motion of Senator Dohoney, the rules were suspended to take up House bill No. 878, "An act to prohibit the granting of license for the sale of intoxicating liquors within two and a half miles of any college, academy, seminary or school not embraced in any incorporated town or county seat," by the following vote:

Yeas—Senators Avinger, Baker, Dohoney, Evans, Finlay, Flanagan, Fountain, Franks, Hall, Henry, Latimer, Rawson, Randle, Ruby, Swift, Word and Tracy—17.

Nays—Senators Broughton, Cole, Dillard, Sayers and Tendick—5.

Senator Dohoney then moved a suspension of the rules and that the bill be read a second time.

The Senate refused to suspend the rules by the following vote:

Yeas—Senators Avinger, Baker, Dohoney, Evans, Finlay, Flanagan, Fountain, Franks, Gaines, Hall, Henry, Rawson, Randle, Ruby, Swift, Tracy, Word and Mr. President—18.

Nays—Senators Broughton, Cole, Dillard, Sayers and Tendick—5.

Senator Finlay, chairman *pro tem.* of Committee on State Affairs, reported as follows:

Hon. E. B. Pickett, President of the Senate:

SIR: Your Committee on State Affairs, to whom was referred Senate bill No. 353, to be entitled "An act to organize the county of Clay," having carefully considered the same, ask leave to report it back to the Senate with the recommendation that it do pass.

GEO. P. FINLAY, Chairman *pro tem.*

On motion of Senator Sayers, the rules were suspended and Senate bill No. 353, "An act to organize the county of Clay," taken up and read second time and ordered engrossed; rules further suspended, the bill read third time and passed.

House bill No. 174, "An act to amend and supplemental to an act to provide for the incorporation of towns and cities, approved January 27, 1858," was taken up, read second time and passed to third reading; rules suspended, the bill read third time and passed.

A message was received from the House informing the Senate that the House had passed "Concurrent resolution directing the Governor to turn over arms to certain persons named in joint resolution of date March 28, 1873."

Senate bill No. 80, "An act to provide for the payment of sheriffs for guards in conveying prisoners to the State Penitentiary in certain cases," was taken up.

The bill was read second time and ordered engrossed; rules suspended, read third time and passed by the following vote:

Yeas—Senators Avinger, Baker, Ball, Broughton, Cole, Dillard, Dohoney, Evans, Finlay, Flanagan, Fountain, Franks, Henry, Hall, King, Rawson, Saylor, Sayers, Shelley, Tendick and Word—21.

Nays—Senators Randle, Ruby and Tracy—3.

Senate bill No. 366, "An act to provide for the printing of the General Laws in the German and Spanish languages," was taken up, read third time and passed by the following vote:

Yeas—Senators Avinger, Baker, Ball, Broughton, Cole, Dohoney, Finlay, Flanagan, Fountain, Franks, Hall, Henry, King, Randle, Ruby, Saylor, Sayers, Shelley, Swift, Tendick, Tracy and Mr. President—22.

Nays—Senators Dillard, Evans, Gaines, Latimer, Rawson and Word—6.

A message was received from the House informing the Senate that the House had passed House bill No. 912, "An act to amend an act entitled an act to organize and incorporate the East Line and Red River Railway Company, approved March 22, 1871."

On motion of Senator Cole, the rules were suspended to take up House bill No. 596, "An act amendatory of and supplementary to an act to organize and incorporate the East Line and Red River Railroad Company, approved March 22, 1871." Read second time.

Senator Cole moved to amend the bill by striking out the words "city of Sherman, in Grayson county," in section one, line ten, and inserting in lieu thereof the words "town of Greenville, in Hunt county."

In lines thirteen and fourteen strike out "via Whitesboro, in Grayson county," and "Gainesville, in Cooke county,"

In line twelve strike out "Greenville, in Hunt county."

In section two, line seven, strike out "Sherman," and insert "Greenville."

The amendments were adopted.

The bill as amended was then passed to a third reading; rules further suspended, read third time and passed by the following two-thirds vote:

Yeas—Senators Avinger, Baker, Ball, Broughton, Cole, Dohoney, Finlay, Flanagan, Fountain, Franks, Gaines, Hall, Henry, King, Latimer, Rawson, Randle, Saylor, Sayers, Shelley, Swift, Tracy and Word—23.

The Committee on Enrolled Bills submitted the following report:

Hon. E. B. Pickett, President of the Senate:

SIR: Your Committee on Enrolled Bills beg leave to report that they have examined and compared the following Senate bills:

No. 301, "An act making an appropriation for the payment of the State police and employes."

No. 269, "An act empowering the Police Court of Cherokee county to levy and collect a special tax for the purpose of paying off the present outstanding indebtedness of said county."

Senate joint resolution No. 23, instructing our Senators and requesting our Representatives in Congress to urge upon the Federal government the propriety of removing certain tribes of hostile Indians from the frontier of Texas.

And find the same correctly enrolled.

H. R. LATIMER, Chairman.

Senator Ball moved a suspension of the rules to take up House bill No. 388, "An act providing for an election to permanently locate the county seat of Hill county." Lost.

Senator Shelley, chairman of the Committee on Constitutional Amendments, submitted the following report:
Hon. E. B. Pickett, President of the Senate:

SIR: Your Committee on Constitutional Amendments, to whom was referred the following:

Senate joint resolution No. 6, "Joint resolution proposing an amendment to section twenty-eight of article twelve of the Constitution."

Senate joint resolution No. 8, "Joint resolution proposing an amendment to section three of article five of the Constitution."

Senate joint resolution No. 12, "Joint resolution proposing an amendment to section four of article five of the Constitution."

Senate joint resolution No. 16, "Joint resolution proposing an amendment to article twelve, by substituting a new section for section forty of the Constitution."

Senate joint resolution No. 21, "Joint resolution proposing an amendment to article twelve of the Constitution by striking out section forty of said article."

Senate joint resolution No. 25, "Joint resolution proposing an amendment to section forty-eight of article twelve of the Constitution."

Senate joint resolution No. 26, "Joint resolution proposing an amendment to section twenty of article one of the Constitution."

Senate joint resolution No. 30, "Joint resolution proposing an amendment to section two of article five of the Constitution."

Senate joint resolution No. 41, "Joint resolution proposing an amendment to section twenty-three of article twelve of the Constitution."

Have had them under careful consideration, severally, and I am instructed to report them back to the Senate with the accompanying joint resolutions, as a substitute therefor, and recommend the adoption and passage of the substituted joint resolutions.

N. G. SHELLEY, Chairman.

On motion of Senator Shelley, the rules were suspended to consider the report and the resolution. The resolution was read first time.

Senator Sayers proposed the following amendment:

"SECTION 1. *Be it resolved by the State of Texas,* That article twelve of the Constitution be amended by striking out section forty-six of said article."

Senator Shelley then moved that the resolution be made the special order for Tuesday next at 10 o'clock A. M., and that one hundred copies be ordered printed. Carried.

Senator Shelley, chairman of the Committee on Finance, submitted the following report:

Hon. E. B. Pickett, President of the Senate:

SIR: Your Committee on Finance, to whom was referred House bill No. 874, to be entitled "An act to authorize the County Court of Colorado county to issue interest-bearing bonds for the purpose of funding the present outstanding indebtedness of said county," have carefully considered the same, and I am instructed to report the bill back to the Senate with the recommendation that it do pass.

N. G. SHELLEY, Chairman.

By leave, Senator King introduced a bill to be entitled "An act to authorize and require the Comptroller to receive certain claims of sheriffs in settlement of their accounts." Read first time and referred to Judiciary Committee No. 2.

Senator Tracy offered the following resolution, which was adopted:

1. *Resolved*, That the Hon. M. C. Hamilton, who has just returned to his home in Austin from his Senatorial labors at the national capital, be respectfully invited to address his fellow-citizens on some evening during the coming week, to be designated by himself, and that the Senate chamber is hereby granted to him for that purpose.

2. *Resolved*, That a copy of this resolution be transmitted to Mr. Hamilton by the President of the Senate.

Adopted.

House bill No. 48, "An act regulating juries," was taken up and read third time.

Senator Flanagan moved to lay the bill on the table.

Senator Franks moved a call of the Senate.

Absent—Senators Gaines, Ford and Pyle.

Senator Flanagan moved to adjourn to 9 o'clock A. M. Monday next. Lost by the following vote:

Yeas—Senators Baker, Flanagan, Fountain, Franks,

Hall, Latimer, Rawson, Randle, Ruby, Saylor, Tendick and Tracy—12.

Nays—Senators Avinger, Ball, Broughton, Dillard, Dohoney, Evans, Finlay, Henry, King, Sayers, Shelley, Swift and Word—13.

House bill No 27, "An act in relation to fences in certain counties," was taken up.

Senator Gaines moved that the call of the Senate be suspended. The Senate refused to suspend the call.

Senator Gaines moved that the Senate adjourn to 9 o'clock A. M. next Monday. Lost by the following vote:

Yeas—Senators Baker, Gaines, Rawson and Randle—4.

Nays—Senators Avinger, Ball, Broughton, Cole, Dillard, Dohoney, Evans, Finlay, Flanagan, Fountain, Franks, Hall, Henry, King, Latimer, Saylor, Sayers, Shelley, Swift, Tendick, Tracy and Word—22.

Senator Evans moved that Senator Gaines, be excused from attendance on the Senate for the evening.

Senator Flanagan moved that the Senate adjourn to 9:30 o'clock A. M. Monday next. Lost by the following vote:

Yeas—Senators Avinger, Baker, Ball, Broughton, Cole, Dillard, Dohoney, Evans, Finlay, Flanagan, Fountain, Franks, Gaines, Henry, King, Latimer, Saylor, Shelley, Swift, Tracy and Word—21.

Nays—Senators Hall and Rawson—2.

Senator King, chairman of the Committee on Engrossed Bills, submitted the following report:

Hon. E. B. Pickett, President of the Senate:

SIR: Your Committee on Engrossed Bills have examined and find correctly engrossed Senate bill No. 199, "An act to amend section eleven of an act entitled an act concerning divorce and alimony, approved January 6, 1841."

HENRY C. KING, Chairman.

Senator Latimer, chairman of the Committee on Enrolled Bills, submitted the following report:

Hon. E. B. Pickett, President of the Senate:

SIR: On behalf of your Committee on Enrolled Bills, I did to-day at 11:40 o'clock A. M., present to His Excellency the Governor, for his signature and approval, the following Senate bills, to-wit:

No. 269, "An act empowering the Police Court of Cherokee county to levy and collect a special tax for the pur-

pose of paying off the present outstanding indebtedness of said county."

No. 301, "An act making an appropriation for the payment of the State police and employés."

And Senate joint resolution No. 23, "Instructing our Senators and requesting our Representatives in Congress to urge upon the Government the propriety of moving certain tribes of hostile Indians from the frontier of Texas."

H. R. LATIMER, Chairman.

On motion of Senator Cole the Senate adjourned until 4 o'clock P. M.

AFTERNOON SESSION.

Senate met at 4 P. M., pursuant to adjournment. Roll called; quorum present.

The hour having arrived for the consideration of the special order, viz., House bill No. 441, "An act making appropriations for the support of the State government for the fiscal year beginning September 1, 1872, and ending August 31, 1873, and for deficiencies for 1870, 1871 and 1872," on motion of Senator Shelley, the same was postponed until Monday next at 9:30 o'clock A. M.

House concurrent resolution concerning parties who surrounded the jail of Williamson county and released the prisoners therefrom, and offering a reward for their arrest, said concurrent resolution being a substitute for Senate joint resolution No. 40, concerning the same matter, was taken up, and the Senate refused to adopt the substitute.

On motion of Senator Cole, the rules were suspended to take up House bill No. 912, "An act to amend an act entitled an act to organize and incorporate the East Line and Red River Railroad Company." Bill read first time.

Senator Cole proposed to amend by adding the following: "*Provided*, if said company accept the benefits of this act it shall never set up claim to the one hundred and fifty thousand dollars subsidy, now claimed from the people of Hopkins county, and the acceptance of this act shall be a complete release of all such claim, real or pretended."

On motion of Senator Avinger, the amendment was laid on the table.

The rules were suspended and the bill read second time and passed to a third reading; rules further suspended, the bill read third time and passed by the following two-thirds vote:

Yeas—Senators Avinger, Baker, Ball, Cole, Dillard, Dohoney, Evans, Finlay, Fountain, Franks, Gaines, Hall, Henry, King, Latimer, Rawson, Randle, Ruby, Shelley, Swift, Tendick, Word and Mr. President—23.

A message was received from the House informing the Senate that the House had passed the following bills:

House bill No. 770, "An act to amend an act to incorporate the city of Brenham, and to grant a new charter to said city, approved February 4, 1873."

House bill No. 907, "An act supplementary and amendatory to an act passed April 19, 1873, entitled an act to reorganize the town of Sherman, in Grayson county, Texas, and incorporate said town as the city of Sherman."

House bill No. 901, "An act to incorporate the towns of Farmersville, Plano and Weston, in Collin county."

House bill No. 742, "An act amendatory of an act to incorporate the Galveston Agricultural, Horticultural and Industrial Association."

House bill No. 574, "An act in relation to the Corpus Christi Ship Canal Company."

Senator King offered the following resolution, which was adopted:

Resolved, That on the certificate of the chairman of the Senate Committee on Printing, as to the number of days for which he has been employed, the secretary of the Senate is hereby instructed to issue his certificate at the rate of eight dollars *per diem* in favor of the clerk employed, by order of said chairman, in making transcript of certain State records until said work is completed.

House bill No. 14, "An act to repeal section five of an act entitled an act to organize and maintain a system of public free schools in the State of Texas, approved April 24, 1871," was taken up.

Senator Dohoney moved to postpone the consideration of the bill until next Wednesday at 11 o'clock A. M. Carried.

The hour having arrived the special order was taken up, viz., Senate bill No. 307, "An act to reorganize cer-

tain judicial districts, and to abolish certain other judicial districts therein named."

Senator Ruby moved a call of the Senate. Call sustained.

Absent—Senators Flanagan, Pyle, Saylor, Sayers and Tracy.

The sergeant-at-arms was dispatched for the absent Senators.

On motion of Senator Swift the rules were suspended to take up House bill No., "An act for the benefit of the actual occupants of the public lands."

The bill was read second time, and the report of the committee recommending amendments adopted.

The bill then passed to a third reading; rules suspended, read third time and passed.

House concurrent resolution for a joint select committee to consider the propriety of establishing two additional lunatic asylums, was taken up.

Senator Dillard moved to indefinitely postpone the resolution.

On motion of Senator Shelley, the Senate adjourned to 9 o'clock A. M. next Monday.

SENATE CHAMBER,
AUSTIN, TEXAS, May 19, 1873. }

Senate met pursuant to adjournment. Roll called; quorum present. Prayer by the chaplain.

On motion of Senator Gaines, the reading of the journal of last Saturday was dispensed with.

Senator Dohoney, chairman of the Committee on Education, submitted the following reports:

Hon. E. B. Pickett, President of the Senate:

SIR: Your Committee on Education, to whom was referred House bill No. 589, to be entitled "An act to incorporate the Texas University," have had the same under careful consideration, and I am instructed to report it back, with the accompanying amendments, and as amended, to recommend that it do pass.

E. L. DOHONEY, Chairman.

Amend the caption by striking out the word "Texas," and inserting the words "Methodist Episcopal;" and add,